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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि वह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW
(Legislative Department)

New Delhi, the 16th July, 1966/*Asadha* 25, 1888 (*Saka*)

The following President's act is published for general information: —

THE KERALA HIGH COURT (AMENDMENT) ACT, 1966

No. 6 OF 1966

Enacted by the President in the Seventeenth Year of the Republic of India.

An Act to amend the Kerala High Court Act, 1958

In exercise of the powers conferred by section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1965, the President is pleased to enact as follows :— 12 of 1965.

1. (*1*) This Act may be called the Kerala High Court (Amendment) Act, 1966. Short title and commencement.

(2) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

Amendment of section 3.

2. In section 3 of the Kerala High Court Act, 1958 (hereinafter referred to as the principal Act), for sub-clause (*b*) of clause (*13*), the following sub-clause shall be substituted, namely :— Kerala Act 5 of 1959.

"(*b*) from an original decree or order in any suit or other proceeding, where the amount or value of the subject-matter of the suit or other proceeding does not exceed ten thousand rupees;".

Substitution of new section for section 5.

3. For section 5 of the principal Act, the following section shall be substituted, namely :—

Appeal from judgement or order of Single Judge.

"5. An appeal shall lie ~~to a~~ Bench of two Judges from—

(*i*) a judgement or order of a Single Judge in the exercise of original jurisdiction; or

(*ii*) a judgement of a Single Judge in the exercise of appellate jurisdiction in respect of a decree or order made in the exercise of original jurisdiction by a subordinate court; or

(*iii*) a judgement of a Single Judge in the exercise of appellate jurisdiction in respect of a decree or order made in the exercise of appellate jurisdiction by a subordinate court, if the Judge who passed such judgement certifies that the case is a fit one for appeal.".

S. RADHAKRISHNAN,
President.

S. P. SEN-VARMA,
Secy. to the Govt. of India.

Reasons for the enactment

Sub-clause (b) of clause (13) of section 3 of the Kerala High Court Act, 1958 (5 of 1959), empowers a Single Judge of the High Court to hear an appeal from an original decree or order where the amount or value of the subject-matter of the suit does not exceed Rs. 10,000. All other appeals which are not provided for under section 3 are to be heard, by virtue of section 4, by a Bench of two Judges. Hence appeals arising from other proceedings like applications under the Kerala Agriculturists Debt Relief Act, 1958, have to be heard by a Division Bench even though the amount or value of the subject-matter may be Rs. 10,000 or below. This is an anomaly which has to be removed.

2. While there is provision in the Kerala High Court Act, 1958, for an appeal to a Bench of two Judges from the judgement of a Single Judge in the exercise of appellate jurisdiction in respect of a decree or order made by a subordinate court in the exercise of appellate jurisdiction, there is no provision for such an appeal in respect of a decree or order made by a subordinate court in the exercise of original jurisdiction. This is another anomaly which has to be removed by amending section 5 so as to provide for an appeal in such cases also.

3. The present enactment is intended to remove the anomalies referred to above.

4. The Committee constituted under the proviso to sub-section (2) of section 3 of the Kerala State Legislature (Delegation of Powers) Act, 1965 (12 of 1965), has approved the enactment of this measure as a President's Act.

L. P. SINGH,
Secretary to the Government of India,
Ministry of Home Affairs.

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